

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
(CLARKSBURG DIVISION)**

**WILLIAM L. CATHER and BRENDA L. CATHER,
husband and wife, CHARLES H. CATHER and
LINDA F. CATHER, husband and wife,
EVERET P. BICE, JR. and ELIZABETH BICE,
husband and wife, and ROBERT JUNIOR
HEMPHILL, TRUSTEE OF TRUST A CREATED
UNDER THE HEMPHILL FAMILY TRUST
DATED OCTOBER 17, 1995, AS AMENDED,**

Plaintiffs,

v.

**Civil Action No. 1:17-cv-208
Honorable Irene M. Keeley**

**EQT PRODUCTION COMPANY,
EQT GATHERING, LLC (d/b/a
“EQT MIDSTREAM”), EQT ENERGY, LLC,
EQT MIDSTREAM SERVICES, LLC,
EQT CORPORATION, and
EQUITRANS, L.P.,**

Defendants.

DEFENDANTS’ MOTION FOR PARTIAL DISMISSAL

Defendants EQT Production Company, EQT Gathering, LLC, EQT Energy, LLC, EQT Midstream Services, LLC, EQT Corporation, and Equitrans, L.P. (collectively “Defendants”), by counsel, move this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), for partial dismissal of Plaintiffs’ *Complaint*.¹ Specifically, Defendants move to dismiss for failure to state a claim for Plaintiffs’ claims for alter ego, Count IV; fraud, Count V; civil conspiracy to commit

¹ Upon a ruling from this Court concerning *Defendants’ Motion for Partial Dismissal*, Defendants are prepared to and will file an answer concerning Plaintiffs’ causes of action addressed in its aforementioned Motion. Although, at this time, Defendants state that they deny any and all allegations of alter ego; fraud; civil conspiracy to commit fraud; breach of contract; conversion; unconscionability and breach of the duty of fair dealing; violation of West Virginia Consumer Credit and Protection Act (“WVCCPA”), Article 2; violation of WVCCPA, Article 6; and punitive damages as well as Plaintiffs’ alleged entitlement to damages for the aforementioned causes of action.

fraud, VI; conversion, Count VIII; unconscionability and breach of the duty of fair dealing, Count IX; Article 6 of the West Virginia Consumer Credit and Protection Act, Count XI; Article 2 of the West Virginia Consumer Credit and Protection Act, Count X; breach of contract against EQT Gathering, LLC, EQT Energy, LLC, EQT Midstream Services, LLC, EQT Corporation, and Equitrans, L.P., Count VII; punitive damages, Count XIII; and Plaintiffs' request for attorneys' fees.

Respectfully submitted,

**EQT PRODUCTION COMPANY,
EQT GATHERING, LLC, EQT ENERGY,
LLC, EQT MIDSTREAM SERVICES, LLC,
EQT CORPORATION, and
EQUITRANS, L.P.,**

By Counsel

/s/ Katrina N. Bowers
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CERTIFICATE OF SERVICE

The undersigned, as counsel for EQT Production Company, EQT Gathering, LLC, EQT Energy, LLC, EQT Midstream Services, LLC, EQT Corporation, and Equitrans, L.P., hereby certifies I served a true and accurate copy of the attached Defendants’ Motion for Partial Dismissal for filing and uploading to the CM/ECF system which will send electronic notifications of such filing to the following counsel of record this 1st day of February, 2018:

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Katrina N. Bowers (WV Bar No. 12337)